

forma pauperis with his appeal, but may not do so “if the [bankruptcy court] certifies in writing that [the appeal] is not taken in good faith.” 28 U.S.C. § 1915(a)(3).

An appeal taken in “good faith” under section 1915(a)(3) is an appeal that, objectively considered, raises non-frivolous colorable issues. *Mallory v. Kawaski*, 2007 WL 1099545, at *1 (C.D. Ill. April 10, 2007) (citing *Cruz v. Hauck*, 404 U.S. 59, 62, 92 S.Ct. 313, 315, 30 L.Ed.2d 217 (1971)). An appeal is taken in good faith if it presents a legal issue that is arguable on its merits. See *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). A plaintiff that identifies issues that are debatable among jurists, or that could be resolved in a different manner, or that are sufficient to deserve encouragement to proceed further, demonstrates a good faith basis for an appeal. *Pate v. Stevens*, 163 F.3d 437, 439 (7th Cir. 1998).

Plaintiff appeals the bankruptcy court’s *Order Granting Debtors’ Motion for Summary Judgment with Regard to Proof of Claim Filed by Bubune Attipoe* in which the bankruptcy court determined that Plaintiff had failed to maintain a *prima facie* case of employment discrimination against Pilgrim’s Pride Corporation, *et al* (“Defendants”), and that Defendants were entitled to judgment as a matter of law pursuant to Federal Rule of Civil Procedure 56, as made applicable in bankruptcy courts by Federal Rule of Bankruptcy Procedure 7056.

Plaintiff failed to respond to the motion for summary judgment on his claim filed by Defendants, though he did appear *pro se* at a hearing held by the bankruptcy court on May 26, 2011. Plaintiff has also failed to file a statement of issues on appeal. There is no basis for the bankruptcy court to determine that Plaintiff has a non-frivolous, colorable legal argument on appeal. The bankruptcy court therefore determines that the appeal is not taken in “good faith” under section 1915(a)(3). It is therefore

CERTIFIED that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3); and it is further

ORDERED that the clerk of the bankruptcy court transmit a copy of this order to the District Court and Plaintiff.